

Attorney Docket No.: F2040(C)
Serial No.: 10/549,549
Filed: June 8, 2006
Confirmation No.: 3834

REMARKS

Reconsideration of the application, as amended, is respectfully requested.

Claim 1 has been amended by introducing the limitation that "the treatment with the ascorbic acid, salts of ascorbic acid or mixtures thereof is after the treatment with the pH lowering agent". The basis for amendment is at page 10, lines 13-14 of the specification.

Claims 1 and 3-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (GB 2 074 004; hereinafter R1) in view of Ganesan et al. (US 2001/0033880; hereinafter R2). The amended claims distinguish more clearly over the cited art.

Neither R1 nor R2 discloses or suggests a process where the treatment with the ascorbic acid, salts of ascorbic acid or mixtures thereof is after the treatment with the pH lowering agent.

Therefore, one of ordinary skill in the art, by combining the teaching of R1 (treatment of tea leaves with an acid) and R2 (treating tea leaves with ascorbic acid) would not have arrived at the process where the treatment with the ascorbic acid, salts of ascorbic acid or mixtures thereof is after the treatment with the pH lowering agent. The combined teaching of R1 and R2 does not suggest nor does it provide any hint or motivation regarding the criticality of the sequence of the treatments.

The criticality of the sequence of the treatments has been demonstrated in the application. Comparative Example F (page 14 Line 1-8) relates to treatment of the tea leaves simultaneously with the ascorbic acid and the citric acid after fermentation. Comparative Example E (page 13 Lines 20-26) relates to the treatment of withered tea leaves simultaneously with the ascorbic acid and citric acid before fermentation. Comparative Example D (Page 13 Lines 11-19) relates to a process where the ascorbic acid

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treatment of the tea leaves is before the treatment with the citric acid. Example 1 relates to the process where the where the ascorbic acid treatment of the tea leaves is after the treatment with the citric acid. The data on absorbance and a* values provided in Table 1 (page 15) clearly demonstrates the surprising benefit (the redder tea) of the process of Example 1 where the treatment with the ascorbic acid is after the treatment with the pH lowering agent, in comparison with the processes of the Comparative Examples D, E and F.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney kindly requests the Examiner to telephone at the number provided.

Respectfully submitted,
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